

REMARKS

Applicants are in receipt of Paper No. 5, the Office Action mailed August 15, 2001, entirely in the nature of a requirement for restriction.

Applicants have claimed priority from their two Japanese priority applications filed respectively April 25, 1997, and April 14, 1998, certified copies of which were filed in applicants' parent application 09/063,778, on July 20, 1998. Accordingly, applicants respectfully request the PTO to acknowledge receipt of applicants' papers filed under \$119.

Restriction has been required between what the Examiner deems to be two (2) patentably distinct inventions as outlined near the top of page 2 of Paper No. 5.

As applicants are required to make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group I, presently comprising claims 1-7 and 11-14, with traverse and without prejudice.

Applicants traverse the requirement and request its withdrawal on the basis of MPEP §803, namely it would not be a "serious burden" to examine both groups because of their close interrelationship. In other words, applicants submit that a complete search and examination of Group I cannot be carried

out without full consideration of Group II, including a search in areas appropriate for Group II. MPEP 803 prohibits restriction, even if it 100% proper, if it would not constitute a "serious burden" to examine plural groups.

Under the circumstances, applicants request withdrawal of the requirement and examination of all of the claims on the merits.

Applicants thank the Examiner for pointing out the typographical error in the preamble of claim 11. This error has now been corrected above.

Applicants respectfully await the results of an examination on the merits.

Respectfully submitted,

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Version with Markings to Show Changes Made

11. (Amended) A ~~protein~~process for producing a hedgehog protein which comprises allowing expression of a DNA that encodes a desert hedgehog protein of human origin, and collecting the generated hedgehog protein.